

Union Calendar No. 99

109TH CONGRESS
1ST SESSION

H. R. 184

[Report No. 109–115, Parts I and II]

To amend the Controlled Substances Import and Export Act to provide authority to the Attorney General to authorize any controlled substance that is in schedule I or II or is a narcotic drug in schedule III or IV to be exported from the United States to a country for subsequent export from that country to another country, if certain conditions are met.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

Mr. PITTS (for himself, Ms. ESHOO, Mr. CANNON, Mr. BISHOP of Utah, and Mr. CUNNINGHAM) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JUNE 9, 2005

Reported from the Committee on Energy and Commerce with amendments

[Omit the part struck through in brackets and insert the part printed in *italic*]

JUNE 9, 2005

Referral to the Committee on the Judiciary extended for a period ending not later than July 11, 2005

JULY 11, 2005

Additional sponsors: Mr. BROWN of Ohio, Mr. MATHESON, Mr. RAMSTAD, Mr. GERLACH, and Mr. WELDON of Pennsylvania

JULY 11, 2005

Reported from the Committee on the Judiciary with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in boldface roman]

A BILL

To amend the Controlled Substances Import and Export Act to provide authority to the Attorney General to authorize any controlled substance that is in schedule I or II or is a narcotic drug in schedule III or IV to be exported from the United States to a country for subsequent export from that country to another country, if certain conditions are met.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Controlled Substances
 5 Export Reform Act of 2005”.

6 **SEC. 2. SUBSEQUENT EXPORT OF CONTROLLED SUB-**
 7 **STANCES.**

8 Section 1003 of the Controlled Substances Import
 9 and Export Act (21 U.S.C. 953) is amended by adding
 10 at the end the following subsection:

11 “(f) Notwithstanding subsections (a)(4) and (c)(3),
 12 the Attorney General may authorize any controlled sub-
 13 stance that is in schedule I **[or II]** or *II*, or is a narcotic
 14 drug in schedule III **[or IV]** or *IV*, to be exported from
 15 the United States to a country for subsequent export from

1 that country to another country, if each of the following
2 conditions is met:

3 “(1) Both the country to which the controlled
4 substance is exported from the United States (re-
5 ferred to in this subsection as the ‘first country’)
6 and the country to which the controlled substance is
7 exported from the first country (referred to in this
8 subsection as the ‘second country’) are parties to the
9 Single Convention on Narcotic Drugs, 1961, and the
10 Convention on Psychotropic Substances, 1971.

11 “(2) The first country and the second country
12 have each instituted and maintain, in conformity
13 with such Conventions, a system of controls of im-
14 ports of controlled substances which the Attorney
15 General deems adequate.

16 “(3) With respect to the first country, the con-
17 trolled substance is consigned to a holder of such
18 permits or licenses as may be required under the
19 laws of such country, and a permit or license to im-
20 port the controlled substance has been issued by the
21 country.

22 “(4) With respect to the second country, sub-
23 stantial evidence is furnished to the Attorney Gen-
24 eral by the person who will export the controlled
25 substance from the United States that—

1 “(A) the controlled substance is to be con-
2 signed to a holder of such permits or licenses
3 as may be required under the laws of such
4 country; and a permit or license to import the
5 controlled substance is to be issued by the coun-
6 try; and

7 “(B) the controlled substance is to be ap-
8 plied exclusively to medical, scientific, or other
9 legitimate uses within the country.

10 “(5) The controlled substance will not be ex-
11 ported from the second country.

12 “(6) Within 30 days after the controlled sub-
13 stance is exported from the first country to the sec-
14 ond country, the person who exported the controlled
15 substance from the United States delivers to the At-
16 torney General documentation certifying that such
17 export from the first country has occurred.

18 “(7) A permit to export the controlled sub-
19 stance from the United States has been issued by
20 the Attorney General.”.

21 **SECTION 1. SHORT TITLE.**

22 **This Act may be cited as the “Controlled**
23 **Substances Export Reform Act of 2005”.**

1 SEC. 2. SUBSEQUENT EXPORT OF CONTROLLED SUB-
2 STANCES.

3 Section 1003 of the Controlled Substances
4 Import and Export Act (21 U.S.C. 953) is
5 amended by adding at the end the following
6 subsection:

7 “(f) Notwithstanding subsections (a)(4)
8 and (c)(3), the Attorney General may author-
9 ize any controlled substance that is in sched-
10 ule I or II, or is a narcotic drug in schedule
11 III or IV, to be exported from the United
12 States to a country for subsequent export
13 from that country to another country, if each
14 of the following conditions is met:

15 “(1) Both the country to which the
16 controlled substance is exported from the
17 United States (referred to in this sub-
18 section as the ‘first country’) and the
19 country to which the controlled sub-
20 stance is exported from the first country
21 (referred to in this subsection as the ‘sec-
22 ond country’) are parties to the Single
23 Convention on Narcotic Drugs, 1961, and
24 the Convention on Psychotropic Sub-
25 stances, 1971.

1 “(2) The first country and the second
2 country have each instituted and main-
3 tain, in conformity with such Conven-
4 tions, a system of controls of imports of
5 controlled substances which the Attorney
6 General deems adequate.

7 “(3) With respect to the first country,
8 the controlled substance is consigned to a
9 holder of such permits or licenses as may
10 be required under the laws of such coun-
11 try, and a permit or license to import the
12 controlled substance has been issued by
13 the country.

14 “(4) With respect to the second coun-
15 try, substantial evidence is furnished to
16 the Attorney General by the person who
17 will export the controlled substance from
18 the United States that—

19 “(A) the controlled substance is to
20 be consigned to a holder of such per-
21 mits or licenses as may be required
22 under the laws of such country, and a
23 permit or license to import the con-
24 trolled substance is to be issued by
25 the country; and

1 **“(B) the controlled substance is to**
2 **be applied exclusively to medical, sci-**
3 **entific, or other legitimate uses with-**
4 **in the country.**

5 **“(5) The controlled substance will not**
6 **be exported from the second country.**

7 **“(6) Within 30 days after the con-**
8 **trolled substance is exported from the**
9 **first country to the second country, the**
10 **person who exported the controlled sub-**
11 **stance from the United States delivers to**
12 **the Attorney General documentation cer-**
13 **tifying that such export from the first**
14 **country has occurred.**

15 **“(7) A permit to export the controlled**
16 **substance from the United States has**
17 **been issued by the Attorney General.”.**

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